REMARKS

Claims 10, 11, 13, and 16-18 are currently pending and presented for examination. Claims 1-9, 12, 14 and 15 have been canceled. No new claims have been added. A rejection under Rule 112 is corrected herein, and remarks are provided with regard to the newly applied rejections under Rule 103. Thus, Applicants respectfully request entry of this amendment under Rule 116 and reconsideration and allowance of the pending claims view of the foregoing amendments and the following remarks.

Response to Rejections Under Section 112:

Claim 18 stands rejected under 35 USC 112, second paragraph, for a lack of antecedent basis and for being dependent upon a cancelled claim. Appropriate amendments have been made to overcome these rejections.

Response to Rejections Under Section 103:

Claims 10, 11, 13, and 16-18 stand rejected under 35 USC 103 as being unpatentable over Johnson (6788980) in view of Brandt et al. (6377993).

Examiner admits that Johnson does not teach Applicant's communication connection itself being surrounded by firewalls, but states that in analogous art Brandt teaches Applicant's claimed firewall system, and thus it would have been obvious to one of ordinary skill in the art to include into Johnson's HMI system the firewall system of Brandt.

Brandt teaches a first firewall 55a and a second firewall 55b, provided via routers 84 and 86 respectively. (Fig. 6.) Router 84 stands between the public internet and the Demilitarized Zone 47 (DMZ), which contains at least one switching unit 82 (HydraWEB), and a plurality of Web Servers 44. Router 86 stands between the DMZ and an intranet. "The DMZ 47 acts as a double firewall for the enterprise intranet because of the *double layer* of port specific filtering rules." (Col. 11, ll 38-40.) Brandt further teaches that

> In operation, each of the Secure servers 44 [within the DMZ] function to decrypt the client message, preferably via the SSL implementation, and unwrap the session key and verify the users session from the COUser object authenticated at Logon. After establishing that the request has come from a valid user and mapping the request to its associated session, the Secure Web servers 44 will re-encrypt the request using symmetric RSA encryption and forward it over a second socket connection 38 to the dispatch server 46 inside the enterprise Intranet.

Hence, the combination of Johnson and Brandt would result in two firewalls, and also superfluous switching units and web servers 44. However, the firewalls in this combination still do not teach Applicant's claim 10.

Brandt teaches a first firewall through which a communication (i.e. a customer inquiry) flows, and a second firewall through which the same information flows, (after it is authenticated), all of which is on the same communication path. (Brandt is silent as to whether the firewalls process the return information as well.) Thus Brandt teaches redundant **layers** of firewall for inbound (and possibly outbound) communications along the same communication path. Stated another way, a single inbound communication will pass through both firewalls.

In contrast, in independent claim 10 Applicants claims:

> a *first firewall* in the mobile operating and monitoring device *for securing the radio based data transmission from the <u>automation component</u>* with the radio access point to the mobile operating and monitoring device;
>
> and
>
> a *second firewall* in the automation component with the radio access point *for securing the radio based data transmission from the <u>mobile operating and monitoring device</u>* to the automation component with the radio access point.

Thus, in Applicant's claim 10, a first firewall will secure a transmission from the automation component, and a second firewall will secure a transmission from the mobile operating and monitoring device to the automation component. Accordingly, unlike Brandt, where a single transmission passes through both firewalls in a single communication path, in Applicant's claim 10, two communication paths exist, and in each communication path a single transmission will only pass through a single firewall. Thus, Brandt does not teach this aspect of Applicant's claim 10, and therefore the combination of Johnson and Brandt does not teach Applicant's independent claim 10. Applicant respectfully request Examiner withdraw the 35 USC 103 rejection of independent claim 10, and claims 11, 13, and 16-18, which depend from and include all the limitations of independent claim 10, based on the combination of Johnson and Brandt, be withdrawn.

Regarding dependent claim 11, as shown above, each firewall serves an independent function, not a duplicate function. Thus, applying the holding of *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ (80) to Applicant's claim 11 is inappropriate. Accordingly, using the same

security procedures in each firewall is not a mere duplication that would be obvious to one of ordinary skill in the art. Applicant requests the 35 USC 103 rejection of claim 11, based on the combination of Johnson and Brandt, be withdrawn.

Regarding dependent claim 16, Applicant claims "wherein the automation components are *connected* by a field bus, wherein the automation component with the radio access point is *connected* to the field bus." Applicant claims connecting components in a particular fashion. Applicant does not claim forming an article in one piece that was previously formed in two pieces and then joined to make one piece. Thus, applying the holding of *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893) to Applicant's claim 16 is inappropriate. Accordingly, Applicant's connecting of components in a particular manner is not merely forming an article in one piece (that was previously formed in two pieces and joined together to make one piece) that would be obvious to one of ordinary skill in the art. Applicant requests the 35 USC 103 rejection of claim 16, based on the combination of Johnson and Brandt, be withdrawn.

Regarding claim 17, Johnson's server 47 teaches *inter* system access authentication, but also teaches *extra* system access authentication through server 46, which is akin to Applicant's radius server.
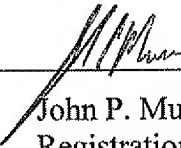
Regarding claim 18, Applicant claims "a radius server connected to a field bus." Applicant claims components connected in a particular fashion. Applicant's claim goes beyond simply forming an article in one piece that was previously formed in two pieces and then joined to make one piece, thus, applying the holding of *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893) to Applicant's claim 18 is also inappropriate. Accordingly, Applicant's connecting of the radius server to a field bus is not merely forming an article in one piece (that was previously formed in two pieces and joined together to make one piece) that would be obvious to one of ordinary skill in the art. Applicant requests the 35 USC 103 rejection of claim 18, based on the combination of Johnson and Brandt, be withdrawn.

Conclusion

For the foregoing reasons, it is respectfully submitted that the objections and rejections set forth in the outstanding Office Action are inapplicable to the present claims. All correspondence should continue to be directed to our below-listed address. Accordingly, Applicants respectfully request that the Examiner reconsider the objections and rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 7/25/08   By:_____

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